

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN DANCIS STILLER,

Plaintiff,

Case No. 1:14-cv-762

v

HON. JANET T. NEFF

FEDERAL HOUSING FINANCE
AUTHORITY et al.,

Defendants.

/

OPINION AND ORDER

Plaintiff, proceeding *pro se*, filed this lawsuit against Defendants on July 17, 2014 seeking declaratory relief concerning the alleged wrongful foreclosure and subsequent sale of certain real property. Plaintiff thereafter filed a motion to remove a related state court proceeding to this Court (Dkt 26). Defendant Federal Housing Finance Agency filed a motion to dismiss Plaintiff's complaint (Dkt 30). The Magistrate Judge issued a Report and Recommendation (R&R, Dkt 50), recommending that this Court deny Plaintiff's motion and grant Defendant's motion to dismiss based on multiple grounds. Plaintiff has filed an Objection to the Report and Recommendation (Dkt 52), to which Defendant has filed a Response (Dkt 58).

In his Objection, Plaintiff advances various arguments in support of his request for a declaratory relief related to the foreclosure. However, the Magistrate Judge properly concluded that this Court lacks subject matter jurisdiction to resolve what is essentially an appeal of a state court judgment. Absent subject-matter jurisdiction, this Court may not properly hear these matters.

Additionally, Plaintiff failed to comply with the appropriate procedure to remove the state court action to this Court. Plaintiff raises no substantive objections demonstrating error in the Magistrate Judge's analysis or her conclusions that Plaintiff's motion for removal should be denied and Defendant's motion to dismiss should be granted as to all Defendants for lack of subject matter jurisdiction and because declaratory relief would encroach upon state jurisdiction.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court denies the Objection and adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58.

THEREFORE, IT IS HEREBY ORDERED that the Objection (Dkt 52) is DENIED and the Report and Recommendation (Dkt 50) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's motion for removal (Dkt 26) is DENIED.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (Dkt 30) is GRANTED, and this matter is terminated as to all Defendants.

Dated: August 26, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge